



General Assembly

February Session, 2012

***Raised Bill No. 86***

LCO No. 761

\*00761\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT CONCERNING THE STRUCTURES AND DREDGING PERMIT  
PROCESS.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Subsection (b) of section 22a-361 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2012*):

4 (b) The commissioner, at least thirty days before approving or  
5 denying an application for a permit, shall provide or require the  
6 applicant to provide [.] notice by certified mail, return receipt  
7 requested, or by electronic means to the applicant, to the  
8 Commissioner of Transportation, the Attorney General and the  
9 Commissioner of Agriculture and to the chief executive officer, the  
10 chairmen of the planning, zoning, harbor management and shellfish  
11 commissions of each town in which such structure, fill, obstruction,  
12 encroachment or dredging is to be located or work to be performed,  
13 and to the owner of each franchised oyster ground and the lessee of  
14 each leased oyster ground within which such work is to be performed  
15 and shall publish such notice once in a newspaper having a substantial  
16 circulation in the area affected. [.] Such notice [of] shall contain (1) the

17 name of the applicant; (2) the location and nature of the proposed  
 18 activities; (3) the tentative decision regarding the application; and (4)  
 19 any additional information the commissioner deems necessary. There  
 20 shall be a comment period following the public notice during which  
 21 interested persons may submit written comments. The commissioner  
 22 may hold a public hearing prior to approving or denying an  
 23 application if, in the commissioner's discretion, the public interest will  
 24 best be served by holding such hearing. The commissioner shall hold a  
 25 public hearing if the commissioner receives a written request for such  
 26 public hearing from the applicant or a petition requesting such public  
 27 hearing that is signed by twenty-five or more persons and an  
 28 application will: (A) Significantly impact any shellfish area, as  
 29 determined by the director of the Bureau of Aquaculture at the  
 30 Department of Agriculture, (B) have interstate ramifications, or (C)  
 31 involve any project that requires a certificate issued pursuant to section  
 32 16-50k or approval by the Federal Energy Regulatory Commission.  
 33 Following such notice and comment period and public hearing, if  
 34 applicable, the commissioner may, in whole or in part, approve,  
 35 modify and approve or deny the application. The commissioner shall  
 36 provide to the applicant and the persons set forth above, by certified  
 37 mail, return receipt requested, or by electronic means, notice of the  
 38 commissioner's decision. If the commissioner requires the applicant to  
 39 provide the notice specified in this subsection, the applicant shall  
 40 certify to the commissioner, [no] not later than twenty days after  
 41 providing such notice, that such notice has been provided in  
 42 accordance with this subsection. Any applicant aggrieved by a final  
 43 decision of the commissioner after a public hearing held pursuant to  
 44 this subsection may appeal therefrom in accordance with the  
 45 provisions of section 4-183.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2012	22a-361(b)
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***Statement of Purpose:***

To allow an applicant for a permit for dredging or erection of structures to request a public hearing on such application and to permit such applicant to appeal a final decision of the Commissioner of Energy and Environmental Protection.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*